APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,281	02/20/2004	Ki Bong Kang	ABC-00501	7608

			EXAMINER
28960	7590	04/25/2006	TON, DANG T

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ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/783,281	KANG, KI BONG
	Examiner	Art Unit	
	DANG T TON	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *22 February 2004*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-24* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3,5,6 and 8-24* is/are rejected.

7) ☒ Claim(s) *4 and 7* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____.

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/18/04; 5/28/04*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

Claims 1-3,5,6, and 8-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yun et al. (6,842,836) in view of Ketcham (6,363,429).

For Claims 1-3,5,6, and 8-24, Yun et al. disclose a system/method comprising

computing an packet size (see water mark level in figure 4); and

adjusting an amount of data to be transmitted per unit of time based on the

packet size (see boxes 408 and 410 in figure 4);

wherein the amount of data to be transmitted per unit of time is dynamically

adjusted (see decreased rate or increased rate in boxes 408 and 410 in figure 4);

wherein the amount of data to be transmitted per unit of time is based on a

processing speed of an access point (see column 7 lines 1-10);

means for computing an packet size (see water mark level in figure 4); and

means for adjusting an amount of data to be transmitted per unit of time based

on the packet size(see boxes 408 and 410 in figure 4);

wherein the amount of data to be transmitted per unit of time is dynamically

adjusted (see decreased rate or increased rate in boxes 408 and 410 in figure 4);

wherein the amount of data to be transmitted per unit of time is based on a

processing speed of an access point (see box 406 in figure 4) ;

dynamically adjusting an amount of data to be transmitted per unit of time based

on the average packet size, wherein the average packet size is dynamically

changed, such that when an incoming packet is greater than the average packet

size the amount of data to be transmitted per unit of time increases, and when

the incoming packet is less the average packet size the amount of data to be

transmitted per unit of time decreases(see decreased rate or increased rate in

boxes 408 and 410 in figure 4);

wherein a switch adjusts the amount of data to be transmitted per unit of time.

wherein the amount of data to be transmitted per unit of time is based on a

processing speed of an access point;

wherein the amount of data to be transmitted per unit of time is based on the

processing speed of the access point and the packet size(see column 7 lines 1-

10) ;

wherein the processing speed of the access point is predetermined;

 means for computing an packet size; and

 means for dynamically adjusting an amount of data to be transmitted per unit of

time based on the packet size, wherein the packet size is

dynamically changed, such that when an incoming packet is greater than the

average packet size the amount of data to be transmitted per unit of time

increases, and when the incoming packet is less than the packet size the

amount of data to be transmitted per unit of time decreases(see decreased rate

or increased rate in boxes 408 and 410 in figure 4);

wherein a switch adjusts the amount of data to be transmitted per unit of time;

wherein the amount of data to be transmitted per unit of time is based on a

processing speed of an access point(see box 406 in figure 4); and

wherein the processing speed of the access point is predetermined(see box 406

in figure 4) ; and wherein the data is transmitted to a wireless selected from a

group consisting of PDA (see box 100 in figure 50).

For Claims 1-3,5,6, and 8-24 , Yun et al. disclose all the subject matter of

the claimed invention with the step of determining an average size of packets in a

communications network. Ketcham from the same or similar fields of endeavor

teaches a provision of the step of determining an average size of packets (see

column 5 line 30). Thus, it would have been obvious to the person of ordinary

skill in the art at the time of the invention to use the step of determining an

average size of packets as taught by Ketcham in the communications network of

Yun et al.

The step of determining an average size of packets can be

implemented/modified into the network of Yun et al. since it does teach the

packet size . The motivation for using the step of determining an average size of

packets as taught by Ketcham into the communications network of Yun et al.

being that it provides the system more reliable since it detects congestion and

prevents the system break down.

2. Claims 4 and 7 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

3.The prior art made of record and not relied upon is considered pertinent

to applicant's disclosure.

Dail et al. (5,570,355) is cited to show a system which is considered

pertinent to the claimed invention.

4. Any inquiry concerning this communication or earlier communications

from the examiner should be directed to DANG T. TON whose telephone number

is 571-272-3171. The examiner can normally be reached on MON-WED, 5:30

AM-6:00 PM and Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Matar Ahmad can be reached on 571-272-7488. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

D. Ton

DANG TON
PRIMARY EXAMINER